

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JANE DOES 1-4,

Plaintiffs,

v.

Case No. 1:23-cv-01302-JRS-MKK

BUTLER UNIVERSITY,
MICHAEL HOWELL, and
RALPH REIFF,

Defendants.

**PLAINTIFFS' NOTICE REGARDING DEFENDANTS BUTLER UNIVERSITY AND
RALPH REIFF'S SUPPLEMENTAL AUTHORITY**

Plaintiffs' Jane Does 1-4 file this notice regarding Defendants Butler University and Ralph Reiff's January 8, 2025 and January 13, 2025 Notices of Indiana Supreme Court Opinion, (ECF Nos. 172, 173), and advise the Court that the recent Indiana Supreme Court case, *Gierek v. Anonymous 1*, No. 23S-CT-277, 2025 Ind. LEXIS 7 (Jan. 9, 2025) does not concern the issue before the Court (e.g., do Plaintiffs' sexual abuse claims fall under Indiana's Medical Malpractice Act) and that the recent Indiana Supreme Court case, *Indiana Department of Insurance v. Jane Doe & John Doe 1*, No. 23S-CT-306, 2024 Ind. LEXIS 801 (Dec. 23, 2024), does not materially alter this Court's reasoning in denying Defendant's prior motion. (See ECF No. 58, at 4 n.2). In *Indiana Department of Insurance*, where a physician sexually assaulted a child while conducting a medical examination that required him to touch the child's genitals, the Indiana Supreme Court held that a sexual assault can fall under Indiana's Medical Malpractice Act when the assault stems from "an inseparable part" of health care provided during an

“authorized medical examination.” (ECF No. 172-2, at 11.) Here, Plaintiffs did not authorize Defendant Michael Howell to touch their genitals as part of an authorized medical examination.

Dated: January 15, 2025

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed using the CM/ECF system on January 15, 2025, which constitutes service on all counsel of record and registered filing users, pursuant to Fed. R. Civ. P. 5(b)(2)(D).

/s/Jacob R. Goodman